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OFFICE OF PETITIONS

Amersham Health, Inc.
101 Carnegie Center
Princeton, NJ 08540

In re Application of :
Driehuys, et al. :
Application No. 10/617,326 : **DECISION GRANTING PETITION**
Filed: July 10, 2003 :
Attorney Docket No. PM0026 :

This is a decision on the petition filed November 19, 2003, requesting that the above-identified application be retain a filing date of July 10, 2003, with figures 10I through 10P and 11 as part of the original disclosure.

The petition is **granted**.

On July 10, 2003, the above-identified application was filed. On October 9, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of Nonprovisional Application" (the "Notice"), stating that Figures 10I through 10P and 11 appeared to have been omitted, but that a filing date had been accorded the application.

In response, the present petition was filed wherein petitioner argues that although the figures were inadvertently omitted, the subject application was complete on filing because the it is a divisional of application 09/804,369 and claims the benefit of application 60/189,072 and incorporates by reference the application 60/189,072 in its entirety.

As statement incorporating by reference provisional application 60/189,072 in its entirety was found in the specification and in a preliminary amendment thereto.

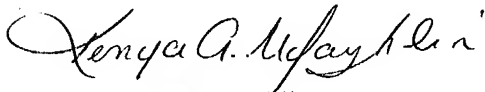
Based on applicants' representation that the omitted figures supplied with the petition are parts of the disclosure of provisional application 60/189,072 and the entire disclosure of provisional application 60/189,072 was specifically incorporated by reference in the present application on July 10, 2003, it appears that the Figures 10I through 10P and 11 were present in the Office on July 10, 2003, albeit in the file of another application, i.e., provisional application 60/189,072. Accordingly, the application may be retain the presently accorded filing date of July 10, 2003.

The petition fee will not be refunded, since the petition was required to accord the application the requested filing date.

Of course, the primary examiner is expected to examine the contents of application 60/189,072 to determine if the omitted figures are a part of the disclosure of the prior application.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of July 10, 2003.

Any inquiries related to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at
(703)305-0010

A handwritten signature in cursive script, reading "Kenya A. McLaughlin".

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions